

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

INTELLECTUAL VENTURES I LLC and  
INTELLECTUAL VENTURES II LLC,

*Plaintiffs,*

v.

SOUTHWEST AIRLINES CO.,

*Defendant.*

**Civil Action No. 7:24-cv-00277-ADA**

**JURY TRIAL DEMANDED**

**JOINT MOTION TO ENTER AGREED SCHEDULING ORDER**

TO THE HONORABLE COURT:

Pursuant to the Court’s January 23, 2024 (OGP 4.4) Standing Order, Plaintiffs Intellectual Ventures I LLC and Intellectual Ventures II LLC (“Plaintiffs” or “IV”) and Defendant Southwest Airlines Co. (“Defendant” or “Southwest”) (collectively, the “Parties”), jointly submit this Joint Motion to Enter Agreed Scheduling Order. The Parties agree on the case schedule attached as Exhibit A.

Dated: March 4, 2025

Respectfully submitted,

By: /s/ S. Wallace Dunwoody

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Intellectual Ventures II LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served or delivered electronically to all counsel of record, on this 4th day of March 2025, via the Court's CM/ECF System.

/s/ Jonathan K. Waldrop  
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**EXHIBIT A**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

INTELLECTUAL VENTURES I LLC and  
INTELLECTUAL VENTURES II LLC,

*Plaintiffs,*

v.

SOUTHWEST AIRLINES CO.,

*Defendant.*

**Civil Action No. 7:24-cv-00277-ADA**

**JURY TRIAL DEMANDED**

**AGREED SCHEDULING ORDER**

<b>Deadline</b>	<b>Item</b>
2/11/2025	Plaintiffs serve preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiffs shall also identify the earliest priority date (i.e., the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
March 4, 2025	Deadline to file an agreed Scheduling Order.
March 12, 2025	Deadline to file Response to Motion to Dismiss.
April 8, 2025	Defendant serves Preliminary Invalidity Contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
April 22, 2025	Deadline to exchange claim terms for construction.
May 6, 2025	Deadline to exchange proposed claim constructions.
May 13, 2025	Deadline to disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. With respect to items of extrinsic evidence, the parties shall identify each such item

Deadline	Item
	by production number or produce a copy of any such item if not previously produced.
May 20, 2025	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
May 27, 2025	Defendant files Opening Claim Construction Brief.
June 17, 2025	Plaintiffs file Responsive Claim Construction Brief.
July 1, 2025	Defendant files Reply Claim Construction Brief.
July 1, 2025	Deadline to jointly email law clerks to confirm <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
July 15, 2025	Plaintiffs file Sur-Reply Claim Construction Brief.
July 18, 2025	Joint Claim Construction Statement (email law clerk's editable copy).  <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).
July 18, 2025	Deadline to submit optional technical tutorials.
July 29, 2025 (9 AM)	<i>Markman</i> Hearing
July 30, 2025	Fact Discovery opens; deadline to serve Initial Disclosures.
November 7, 2025	Deadline to add parties.
November 21, 2025	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
November 18, 2025	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
January 27, 2026	Deadline for the first of two meet and confers to discuss narrowing number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
February 26, 2026	Close of Fact Discovery
March 5, 2026	Opening Expert Reports
April 2, 2026	Rebuttal Expert Reports
April 30, 2026	Close of Expert Discovery
May 7, 2026	Deadline for the second of two meet and confers to discuss narrowing number of claims asserted and prior art references at issue to triable limits.  If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial

Deadline	Item
	time anticipated per side. The parties shall file a Joint Report within <u>5 business days</u> regarding the results of the meet and confer.
May 14, 2026	Dispositive motion deadline and <i>Daubert</i> motion deadline.  See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).  Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, “Notice, Consent, And Reference of A Civil Action To A Magistrate Judge,” available at <a href="https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge">https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge</a> .
May 21, 2026	Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists and deposition designations).
June 2, 2026	Serve objections to pretrial disclosures/rebuttal disclosures.
June 2, 2026	Deadline to Jointly email law clerk to confirm their pretrial conference and trial dates.
June 9, 2026	Serve objections to rebuttal disclosures; file motions <i>in limine</i> .
June 16, 2026	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations).  From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.
June 16, 2026	File oppositions to motions <i>in limine</i> .
June 23, 2026	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> .
June 23, 2026	Deadline to file replies to motions <i>in limine</i> .
June 29, 2026	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
July 1, 2026	File Joint Notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
July 6, 2026	Final Pretrial Conference (in person unless otherwise requested).

<b>Deadline</b>	<b>Item</b>
July 27, 2026	Jury Selection/Trial
14 days after a jury verdict	Parties shall file a joint proposed final judgment.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2025.

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ALAN D. ALBRIGHT  
UNITED STATES DISTRICT JUDGE